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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ZUNIGA,

Defendant.

Case No.: CR 19-425 VC

**DEFENDANT'S SENTENCING
MEMORANDUM**

Court: Courtroom 4, 17th Floor

Hearing Date: January 21, 2020

Hearing Time: 10:30 a.m.

1 The defendant is one of the many individuals brought over to federal court after being arrested
2 by state authorities for selling a small amount of drugs in the Tenderloin. In this case, Mr. Zuniga
3 sold undercover police officers \$17 worth of rock cocaine. His guidelines are 10 – 16 months. For
4 the reasons set forth below, Mr. Zuniga respectfully asks the Court to sentence him to “time served.”

5 As the Court is aware from the Presentence Report, Mr. Zuniga grew in a gang-controlled area
6 of Honduras with an abusive father, who beat his mother and the children in the house whenever he
7 got drunk. Although he began working in the fields with his father at age four, his father would
8 attack him and his mother constantly with knives and machetes. The abuse was so severe that by age
9 12 he was essentially kicked out of his house and had to live in the streets. He began using drugs,
10 and was constantly fighting with gang members. He never was able to attend school because his
11 family could not afford it.

12 A number of years ago Mr. Zuniga came to this country to make a new life, only to discover
13 that he had none of the life skills that would allow him to survive here. He was homeless and
14 continued to use drugs, and found himself being arrested a number of times for minor offenses. He
15 sold minor amounts of drugs to both feed his own habit and to buy food. In 2017, he was convicted of
16 an assessor to drug sales, and was placed on probation. As a condition of that probation, he was
17 attending various drug treatment classes in San Francisco prior to his arrest in this case.

18 Mr. Zuniga has now been in custody for approximately three and one-half months. The minute
19 he is released from custody, he is going to be deported back to Honduras. All of these facts indicate
20 that a sentence of time served will satisfy all of the goals of the Sentencing Reform Act. Mr. Zuniga
21 comes from an impoverished background where he grew up in truly horrible conditions.¹ He was
22 homeless at the time of his arrest, and was trying to survive on the streets. He has been punished by
23 having to serve a substantial jail sentence, considering the fact that this is a \$17 sale of drugs. And
24 most importantly, he will be deported when he is finished with this sentence. There is no need to
25 prolong this deportation by putting Mr. Zuniga in custody for a longer sentence.

26 For these reasons, Mr. Zuniga asks for a sentence of time served.

27 _____
28 ¹ The Probation Officer recognizes that Mr. Zuniga’s background might provide a basis for a
downward variance. See PSR par. 74.

1
2 Dated: January 14, 2020

Respectfully submitted,

3 STEVEN G. KALAR
4 Federal Public Defender
5 Northern District of California

6 /S

GEOFFREY A. HANSEN
Chief Assistant Federal Public Defender